



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,760	02/13/2004	Daisuke Yamamura	1472-0320P	5339

2292 7590 07/06/2005

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
----------

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**

**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

10/777760

EXAMINER
----------

ART UNIT	PAPER
----------	-------

6272005

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

Please see attached letter.

Dennis H. Pedder  
Primary Examiner  
Art Unit: 3612

### Non-Responsive Amendment

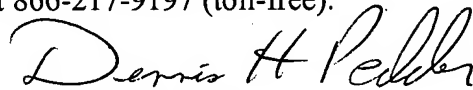
1. The reply filed on 6/16/2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has labeled the figures 4-5 as "Conventional Structure" and stated that there is no Prior art as such for applicant's claimed invention. Applicant has not admitted to prior art in reference to figures 4-5. Applicant has stated that "it is purely hindsight to apply applicant's own teachings to substantiate any obviousness rejection". Such response leaves open the public use, public disclosure and public sale question regarding the "conventional structure". Applicant's response is silent in this regard, leaving the examiner missing critical data in order to evaluate the claims as to patentability. Accordingly, in conformance to Rule 105, applicant is requested to provide in response to this letter, information as to when, if any, the conventional structure of figures 4-5, as disclosed, was 1) in public use, 2) on public sale, 3) disclosed to the public or in any otherwise manner is pertinent under 35 USC 102(a) through 102(g) inclusive. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667. The examiner can normally be reached on 5:30-2:00.

Art Unit: 3612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

6/28/05

DHP  
6/28/2005